

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

JUL 20 2015

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE MATTER OF AN)
APPLICATION OF THE UNITED)
STATES OF AMERICA FOR A)
WARRANT TO OBTAIN RECORDS,)
LOCATION INFORMATION,)
INCLUDING PRECISION LOCATION)
INFORMATION, CELL SITE)
INFORMATION, AND OTHER)
SIGNALING INFORMATION)
ASSOCIATED WITH THE CELLULAR)
TELEPHONE HAVING THE NUMBERS)
(314) 224-1365.)

No. 4:15MJ06185 TCM

FILED UNDER SEAL

AFFIDAVIT

Mark Wynn, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), duly appointed according to law and acting as such.

Introduction

I am a Special Agent with the ATF and have been for over eight (8) years. I am currently assigned to the St. Louis ATF Field Office and charged with investigating violations of the federal arson, explosives and firearms laws. I have successfully completed the Criminal Investigator Training Program (CITP) and the ATF National Academy Special Agent Basic Training (SABT) at the Federal Law Enforcement Training Center.

The facts alleged in this affidavit come from my own investigation, my training and experience, and information obtained from other investigators and witnesses. As this affidavit is submitted for the limited purpose of establishing probable cause to locate and monitor the

location of a cellular telephone as part of a criminal investigation, it does not set forth all of the my knowledge regarding this matter.

Upon information and belief, and as explained in greater detail below, the T-MOBILE cellular telephone bearing number (314) 224-1365 (hereinafter the "**subject cellular telephone**") has been used, and is presently being used, in connection with the commission of offenses involving ongoing violations of Title 18, United States Code, Sections 922(g), 924(c) and 924(j) (hereinafter referred to as "the subject offenses"), by **DEWAYNE TAYLOR** (DOB: January 19, 1979), and others known and unknown.

The present affidavit is being submitted in connection with an application of the Government for a warrant and order authorizing agents/officers of the investigative agency(ies) to obtain location information, including precision location information, cell site location information, media access control address (MAC), and other signaling information, including pen register information from a cell site simulator, in an effort to locate and monitor the location of the **subject cellular telephone**.

Your affiant further states that there is probable cause to believe that the location information associated with the **subject cellular telephone** will lead to evidence of the aforementioned subject offenses as well as to the identification of individuals who are engaged in the commission of those criminal offense and related crimes and/or the location of MR. TAYLOR for apprehension purposes.

Investigation and Probable Cause

The investigation has clearly demonstrated that the **subject cellular telephone** is being used in connection with the commission of offenses involving ongoing violations of Title 18, United States Code, Sections 922(g), 924(c) and 924(j) (the subject offenses). It is critical that

the investigative team be able to locate and monitor the movements of the **subject cellular telephone** thereby assisting in the present location and movements of DEWAYNE TAYLOR.

The details are as follows:

Members of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and St. Louis Metropolitan Police Department (SLMPD) are investigating firearm and drug-related criminal violations identified above by TAYLOR. TAYLOR has prior felony convictions for murder and armed criminal action.

On December 16, 2014, the body of Erin Davis was discovered inside an apartment at 300 Walsh Street, St. Louis, Missouri 63111. Ms. Davis had been shot in the forehead. Among other things, one shell casing head stamped "FC 9mm Luger" was located inside the apartment.

On January 16, 2015, the body of Juanita Davis (no relation to victim Erin Davis) was located in the street near 4420 Pennsylvania Avenue, St. Louis, Missouri 63111. Among other things, seven shell casings head stamped "R-P 9mm LUGER" were located near the body. The same firearm was used to murder both victims.

During the course of this active and ongoing investigation, investigators have received information that TAYLOR was involved in the murders of Erin Davis and Juanita Davis and, specifically, that TAYLOR shot and killed each woman in retaliation for, among other things, a vehicle and narcotics being taken from him by Juanita Davis in late 2014.

On or about July 16, 2015, a federal grand jury indicted TAYLOR for one count of conspiring to possess with the intent to distribute heroin and two counts of possession of a firearm in furtherance of drug trafficking, resulting in the deaths of Erin Davis and Juanita Davis.

The federal arrest warrant arising out of that indictment is presently active. The indictment remains suppressed.

The precise location of the **subject cellular telephone** is of particular importance to law enforcement to permit law enforcement to identify the **subject cellular telephone's** location and, by extension TAYLOR's location, for the purposes of apprehending him pursuant to the federal arrest warrant. Law enforcement seeks to utilize these methods to avoid disclosure of the indictment and arrest warrant and/or compromising the integrity of the ongoing investigation. Your affiant believes that the requested authorization would be a valuable asset in achieving the overall goals of the investigation.

Investigative Considerations and Techniques

Based on my knowledge, training, and experience, as well as information provided by investigators with specialized experience relating to cellular telephone technology, I am aware of the following facts and considerations:

A. Wireless phone providers typically generate and retain certain transactional information about the use of each telephone call, voicemail, and text message on their system. Such information can include log files and messaging logs showing all activity on a particular account, such as local and long distance telephone connection records, records of session times and durations, lists of all incoming and outgoing telephone numbers or other addressing information associated with particular telephone calls, voicemail messages, and text or multimedia messages.

B. Wireless phone providers also typically generate and retain information about the location in which a particular communication was transmitted or received. For example, when a cellular device is used to make or receive a call, text message or other communication, the

wireless phone provider will typically generate and maintain a record of which cell tower(s) was/were used to process that contact. Wireless providers maintain information, including the corresponding cell towers (i.e., tower covering specific geographic areas), sectors (i.e., faces of the towers), and other signaling data as part of their regularly conducted business activities. Typically, wireless providers maintain records of the cell tower information associated with the beginning and end of a call.

C. Because cellular devices generally attempt to communicate with the closest cell tower available, cell site location information from a wireless phone provider allows investigators to identify an approximate geographic location from which a communication with a particular cellular device originated or was received.

D. Wireless providers may also retain text messaging logs that include specific information about text and multimedia messages sent or received from the account, such as the dates and times of the messages. A provider may also retain information about which cellular handset or device was associated with the account when the messages were sent or received. The provider could have this information because each cellular device has one or more unique identifiers embedded inside it. Depending upon the cellular network and the device, the embedded unique identifiers for a cellular device could take several different forms, including an Electronic Serial Number ("ESN"), a Mobile Electronic Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber Identity Module ("SIM"), an International Mobile Subscriber Identifier ("IMSI"), or an International Mobile Station Equipment Identity ("IMEI"). When a cellular device connects to a cellular antenna or tower, it reveals its embedded unique identifiers to the cellular antenna or tower in order to obtain service, and the cellular antenna or tower records those identifiers.

E. Wireless providers also maintain business records and subscriber information for particular accounts. This information could include the subscriber's full name and address, the address to which any equipment was shipped, the date on which the account was opened, the length of service, the types of service utilized, the ESN or other unique identifier for the cellular device associated with the account, the subscriber's Social Security Number and date of birth, all telephone numbers and other identifiers associated with the account, and a description of the services available to the account subscriber. In addition, wireless providers typically generate and retain billing records for each account, which may show all billable calls (including outgoing digits dialed). The providers may also have payment information for the account, including the dates and times of payments and the means and source of payment (including any credit card or bank account number).

F. Providers of cellular telephone service also typically have technical capabilities that allow them to collect and generate more precise location information than that provided by cell site location records. This information is sometimes referred to as E-911 phase II data, GPS data or latitude-longitude data. In the Eastern District of Missouri, such information is often referred to as "precision location information" or "PLI" data. E-911 Phase II data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by attempting to triangulate the device's signal using data from several of the provider's cell towers. Depending on the capabilities of the particular phone and provider, E-911 data can sometimes provide precise information related to the location of a cellular device.

In addition to records and signaling information from cellular providers, it is also sometimes possible to locate and monitor the movements of a cellular device by directly

monitoring signals from the device itself. Such monitoring is accomplished by using a specific form of pen register, which is referred to herein as a cell-site simulator. In particular, a cell-site simulator mimics, to a degree, the activities of a cell tower. Once the general location of the **subject cellular telephone** is identified (e.g., using cell site location records or E-911/precision location information), a cell-site simulator can be used in the vicinity of the **subject cellular telephone** to detect radio signals that are emitted automatically at the time the **subject cellular telephone** is turned on, and periodically thereafter as long as the phone remains on, regardless of whether a call is being made, to communicate with the cellular infrastructure, including cell towers. These signals contain identifying numbers for the telephone (e.g., the telephone number and Electronic Serial Number ("ESN") or International Mobile Subscriber Identification ("IMSI") number). The investigative agency(ies) can use these cell-site simulator techniques to attempt to identify the location from which the **subject cellular telephone** is operating. The techniques do not intercept any content of communications, but rather search for signals emitted by the **subject cellular telephone**, which are identified through its identifying numbers (which are already known to law enforcement through other means). The cell site simulator may cause a temporary disruption of services. Once the **subject cellular telephone's** signals are identified (typically, through the use of a cell-site simulator, which can be used only when it is in the general proximity of the **subject cellular telephone**), the strength of the signal emitted by the **subject cellular telephone** can be analyzed to ascertain the general direction and location of the signal, which can assist in identifying the general location from which the **subject cellular telephone** is operating. After the location is determined, data not associated with the operation is deleted.

In order to locate the **subject cellular telephone** and monitor the movements of the phone, the investigative agency(ies) may need to employ one or more techniques described in

this affidavit and in the application of the government. The investigative agency(ies) may seek a warrant to compel the T-MOBILE, any telecommunication service providers reflected in Attachment 1 (herein incorporated by reference), and any other applicable service providers, to provide precision location information, including Global Position System information (if available), transactional records, including cell site location information, media access control address (MAC), and pen register and trap-and-trace data. The investigative agency(ies) may also install and use its own pen register and trap-and-trace devices, including a cell-site simulator, in an effort to locate and monitor the movements of the **subject cellular telephone**.

None of the investigative techniques that may be employed as a result of the present application and affidavit require a physical intrusion into a private space or a physical trespass. Electronic surveillance techniques such as pen register and cell site location monitoring typically have not been limited to daytime use only. Furthermore, the criminal conduct being investigated is not limited to the daytime. Therefore, the fact that the present application requests a warrant based on probable cause should not limit the use of the requested investigative techniques to daytime use only. Accordingly, the investigative agency(ies) requests the ability to employ these investigative techniques at any time, day or night.

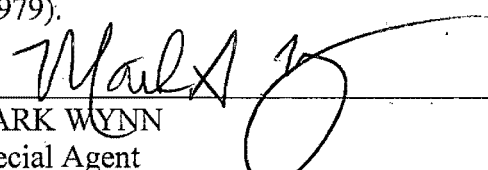
The monitoring of the location of the **subject cellular telephone** by one of the methods described herein will begin within ten (10) days of the date of issuance of the requested Warrant and Order.

Conclusion

Based on the above information, there is probable cause to believe that the **subject cellular telephone** is being used in connection with the illegal possession of a firearm by a previously-convicted felon and the possession of a firearm in furtherance of drug trafficking where one or more deaths resulted. There is likewise probable cause to conclude that locating and monitoring the movements of the **subject cellular telephone** will lead to the relevant evidence concerning violations of Title 18, United States Code, Sections 922(g), 924(c) and 924(j), by DEWAYNE TAYLOR (DOB: January 19, 1979).

DATE

07/20/2015


MARK WYNN

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 20th day of July, 2015.


THOMAS C. MUMMERT

UNITED STATES MAGISTRATE JUDGE
Eastern District of Missouri

LIST OF TELECOMMUNICATION SERVICE PROVIDERST-MOBILE

and

01 Communications	Empire Paging	MCI Worldcom	Smart Beep Paging
Access Line Communication	Ernest Communications	Metro PCS	Smart City Telecom
ACN Communications	Echelon Telecommunications	Metro Teleconnect	Socket Telecom
ACS	EZ Talk Communications	Mid-Atlantic	South Central Bell
Aero Communications, Inc. (IL)	FDN Communications	Midvale Telephone Exchange	Sprint
Afford A Phone	Fibernet Comm	Midwest Wireless	Sprint Spectrum, L.P.
Airvoice Wireless	Florida Cell Service	Millington Telephone	SRT Wireless
Alaska Communications	Florida Digital Network	MLM Telecommunications	Star Telephone Company
Alhambra-Grantfx Telephone	Focal Communications	Mobile Communications	Start Wireless
AmeriTel	Frontier Communications	Mound Bayou Telephone Co.	Sugar Land Telephone
AOL Corp.	Gabriel Comm	Mountain Bell	Sure West Telephone Company
Arch Communication	Galaxy Paging	Mpower Communications	Talk America
AT&T	Global Communications	Navigator	Tele Touch Comm
AT&T Mobility	Global Crossing	Telecommunications	Telecorp Comm
Bell Aliant	Global Eyes Communications	NE Nebraska Telephone	Telepak
Big River Telephone	Global Naps	Netlink Comm	Telistire
Birch Telecom	Global Rock Network	Network Services	Telnet Worldwide
Blackberry Corporation	Grafton Telephone Company	Neustar	Tex-Link Comm
Brivia Communications	Grand River	Neutral Tandem	Time Warner Cable
Broadview Networks	Grande Comm	Nex-Tech/United Wireless	T-Mobile
Broadvox Ltd.	Great Plains Telephone	Nexus Communications	Total Call International
Budget Prepay	Harrington Telephone	NII Comm	Tracfone Wireless
Bulls Eye Telecom	Harrisonville Telephone Co.	North Central Telephone	Trinity International
Cable Vision	Heartland Communications	North State Comm	Triton PCS Company
Call Wave	Hickory Telephone	Northcoast Communications	U-Mobile
Cbeyond Inc.	Houston Cellular Telephone	Novacom	Unicel Cellular
CCPR Services	Huxley Communications	Ntera	United On-Line
Cellco Partnership, d/b/a Verizon Wireless	iBasis	N-Teleos Wireless	United States Cellular Corp.
Cellular One	IDT Corporation	NTS Communications	United Telephone of MO
Cellular South	Illinois Consolidated Communications	Oklahoma City SMSA	US Cellular
Centennial Wireless	Illinois Valley Cellular	ONSTAR	US Communications
CenturyLink	Insight Phone	Optel Texas Telecom	US LEC
Champaign Cellular	Integra	Orion Electronics	US Link
Charter Communications	Iowa Wireless	PacBell	US West Communications
Chickasaw Telephone	IQ Telecom	PacWest Telecom	USA Mobility
Choctaw Telephone Company	J2 Global Communications	PAETEC Communications	VarTec Telecommunications
Choice Net Comm.	Leap Wireless International	Page Plus Communications	Verisign
Cimco Comm	Level 3 Communications	Page Mart, Inc.	Verizon Telephone Company
Cincinnati Bell	Level One	Page Net Paging	Verizon Wireless
Cinergy Communications	Local Links Communications	Panhandle Telephone	Viaero Wireless
Citizens Utilities	Locus Communications	Peerless Network	Virgin Mobile
Clear World Communication	Logix Communications	Pineland Telephone	Vonage Holdings
Com-Cast Cable Comm.	Longlines Wireless	PhoneTech	Wabash Telephone
Comm South Companies	Los Angeles Cellular	PhoneTel	Weblink Wireless
Commercial Communications	Madison River	Preferred Telephone	Western Wireless
Consolidated Communications	Communications	Priority Communications	Westlink Communications
Conversent Communications	Madison/Macoupin Telephone Company	Puretalk	Windstream Communications
Cox Communications	Mankato Citizens Telephone	RCN Telecom	WinStar Communications
Crocket Wireless	Map Mobile Comm	RNK Telecom	Wirefly
Custer Telephone Cooperative	Marathon Comm	QWEST Communications	WISPNET, LLC
DBS Communications	Mark Twain Rural	Sage Telecom	World Comm
Delta Communications	Matrix Telecom, Inc.	SE All-Tel Comm	XO Communications
Detroit Cellular	Max-Tel Communications	Seren Innovations	Xspedius
Dobson Cellular	McCleod USA	Sigecom LLC	Yakdin Valley Telephone
Egyptian Telephone		Sky Tel Paging	YMAX Communications
Electric Lightwave, Inc.			Ztel Communications